THE BOMBAY ELECTRICITY (SPECIAL POWERS) ACT, 1946.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. Restriction on consumption of supply.
4. Discontinuance of supply in certain circumstances.
5. Restriction on supply of electrical energy and prohibition on reconnection of supply.
6. Restriction on the use of electrical energy for the purpose of advertisement.
6A. Power to regulate supply of electrical energy and periods of work in undertakings.
6B. Revocation of licence or discontinuance of supply for breach of order under section 6A.
6C. Discontinuance of supply of energy to consumer for failure to pay fees for services of Electric Inspector or his assistants.
7. Continuance in force of existing orders.
8. Penalties.
8A. Power of entry, etc.
9. Offence by local authorities and corporations.
10. Cognizance of offences.
11. Protection of action taken under Act.
12. Service of orders or directions.

BOMBAY ACT No. XX OF 1946.[1]

[THE BOMBAY ELECTRICITY (SPECIAL POWERS) ACT, 1946.]

[*30th September 1946*]

Amended by Bom. 41 of 1949.

Adapted and modified by the Adaptation of Laws Order, 1950.

An Act [2][to make special provisions for controlling] the supply, consumption, distribution and use of electrical energy in the Province of Bombay.

WHEREAS it is expedient [2][to make special provisions for controlling] the supply consumption, distribution and use of electrical energy in the Province of Bombay; It is hereby enacted as follows:—

Short title, extent [6][and commencement.]

1. (*1*) This Act may be called the Bombay Electricity ([3][Special] Powers) Act, 1946.

(*2*) It extends to the whole of the [4][State] of Bombay.

(*3*) It shall come into force on the 1st day of October 1946.

[5]* * * * * *

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

IX of 1910. (*a*) "consumer" [7]* and "works" have the meanings assigned to them in section 2 of the Indian Electricity Act, 1910;

IX of 1910. [8][(*aa*) "licencee" means any person licensed under Part II of the Indian Electricity Act, 1910, to supply electrical energy or any person who has obtained sanction under section 28 of that Act to engage in the business of supplying electrical energy and includes a distributing licensee and the [9][State] Electricity Board constituted under section 5 of the Electricity (Supply) Act, 1948;]

LIV 1948.

IX of 1910. (*b*) "requisition" means a requisition made under the Indian Electricity Act, 1910, for the supply of electrical energy.

Restriction on consumption of supply.

3. Nothwithstanding anything contained in any contract or agreement, the [9][State] Government may by an order in writing require any consumer to, and thereupon such consumer shall, reduce his consumption of electrical energy to such extent and in such manner and by such means as may be specified in the order. The [9][State] Government shall serve a copy of the order on the licensee supplying the energy.

Discontinuance of supply in certain circumstances.

IX of 1910. **4.** (*1*) Notwithstanding anything contained in the Indian Electricity Act, 1910, or any licence granted thereunder or any agreement for the supply of electrical energy, the [9][State] Government may, if in its opinion it is necessary or expedient

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[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, 1946, Pt. V, page 122; for Proceedings in Assembly, *see* Bombay Legislative Assembly Debates, 1946, Vol. IX; and for Proceedings in Council, *see* Bombay Legislative Council Debates, 1946, Vol. X.

[2] These words were substituted for the words "to provide for the continuance of the powers to control" by Bom. 41 of 1949, s. 2.

[3] This word was substituted for the word "Emergency", *ibid*, s. 3 (*1*).

[4] This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.

[5] Sub-section (*4*) was deleted, by Bom. 41 of 1949, s. 3 (*2*).

[6] These words were substituted for the words "commencement and duration", *ibid*, s. 3 (*3*).

[7] The word "licensee" was deleted, *ibid*, s. 4 (*1*).

[8] This clause was inserted, *ibid*, s. 4 (*2*).

[9] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

for maintining the supply or securing the equitable distribution of electrical energy, by an order in writing—

(*i*) authorise, or

(*ii*) require

a licensee to, and the licensee when so required shall, discontinue or reduce the supply of electrical energy to any consumer, other than a distributing licensee, who—

(*a*) without the permission of the [1][State] Government contravenes any direction issued to him under section 3 ; or

(*b*) without the permission of the [1][State] Government—

(*i*) exceeds at any time the maximum demand in kw. of electrical energy recorded in respect of him during the twelve months ending the 31st January 1943, or

(*ii*) connects or has connected load beyond that notified in writing to the licensee up to the 31st January 1943 [2][; or

(*c*) within three months, after the service on him by the licensee of a notice in writing in this behalf, does not utilise any electrical energy.]

(*2*) The licensee shall—

(*i*) before discontinuing or reducing the supply of electrical energy under sub-section (*1*) give the consumer not less than 48 hours' notice in writing of his intention so to do ;

(*ii*) on discontinuing the supply, communicate to the [1][State] Government within twenty-four hours from the date of discontinuance the circumstances in which he has done so ;

(*iii*) on being so directed by the [1][State] Government recommence the supply with all possible speed.

(*3*) The licensee shall report to the [1][State] Government within twenty-four hours of its coming to his notice every contravention of any direction given under section 3, or clause (*b*) of sub-section (*1*).

Restriction on supply of electrical energy and prohibition on reconnection of supply.

5. (*1*) Nothwithstanding anything contained in the Indian Electricity Act, 1910, or in any licence granted thereunder or in any contract or agreement or in any requisition, the [1][State] Government may, if in its opinion, it is necessary or expedient for maintaining the supply or securing the equitable distribution of electrical energy, by order direct a licensee— IX of 1910.

(*a*) not to comply, except with the permission of the [1][State] Government, with—

(*i*) the provisions of any contract, agreement or requisition (whether made before or after the commencement of this Act), for the supply (other than the resumption of a supply) or an increase in the supply, of electrical energy to any person,

(*ii*) any requisition or the resumption of a supply to a consumer after a period of six months from the date of its discontinuance,

(*iii*) any requisition for the resumption of a supply made within six months of its discontinuance, where the requsitioning consumer was not himself the consumer of the supply at the time of its discontinuance :

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[1] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.
[2] This portion was inserted by Bom. 41 of 1949, s. 5.

[1][Provided that the [2][State] Government may by order direct that it shall not be necessary to obtain such permission if the licensee supplies electrical energy to such consumers or class of consumers, to such extent and subject to such conditions as may be specified in the order;]

(*b*) not to comply with any requisition for municipal purposes involving (otherwise than by way of replacement) any new works or additions to or alterations of works already installed.

(*2*) To obtain any permission required under sub-section (*1*), the licensee shall make an application to the [2][State] Government in such form as the [2][State] Government may notify in the *Official Gazette* in this behalf.

[3][Where a requisition is made on the licensee under sub-clause (*1*) of clause V or of clause VI of the Schedule to the Indian Electricity Act, 1910, the licensee shall make the application to the [2][State] Government in respect of such requisition within one month from the date of the receipt of the requisition by him or within such longer period as the [2][State] Government may allow.]

IX of 1910.

(*3*) On an application being made under sub-section (*2*) the [2][State] Government may either refuse the permission sought or grant it either absolutely or subject to such conditions as it may think fit to impose, and may also call for such further particulars relating to the application as it may require.

Restriction on the use of electrical energy for the purpose of advertisement.

6. Notwithstanding anything contained in any contract or agreement, no person receiving a supply of electrical energy from a licensee notified in this behalf in the *Official Gazette* by the [2][State] Government, shall use or cause to be used such electrical energy in the area of supply of such licensee for exhibiting light intended for advertisement on the exterior of any premises, or on any plot of land or in any street or open place.

Power to regulate supply of electrical energy and periods of work in undertakings.

[4][**6A.** (*1*) Notwithstanding anything contained in any law for the time being in force, or any permission granted under sub-section (*3*) of section 5 or any instrument having effect by virtue of any law, the [2][State] Government may with a view to controlling distribution, supply, consumption or use of electrical energy make an order—

(*a*) for prohibiting or regulating subject to such conditions as it may specify in the order, the distribution or supply of electrical energy by a licensee or use of such energy by a consumer for any purposes specified in such order;

(*b*) for deterermining the order of priority in which, or the period or periods during which, work shall be done by an undertaking to which the supply of electrical during energy is made by a licensee.

(*2*) The [2][State] Government may make provisions in any order made under sub-section (*1*) for any incidental or supplementary matters which it may think necessary or expedient for the purposes of the order.

Explanation.—In this section "undertaking" means any public utility undertaking or any undertaking by way of any trade or business and includes a factory.]

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[1] This proviso was added by Bom. 41 of 1949, s. 6 (*1*).
[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[3] This portion was added, by Bom. 41 of 1949, s. 6 (*2*).
[4] Sections 6A, 6B and 6C were inserted, *ibid*, s. 7.

Revocation of licence or discontinuance of supply for breach of order under section 6A.

[1][**6B.** Notwithstanding anything contained in the Indian Electricity Act, 1910, IX of 1910. or the terms of any licence or sanction granted thereunder or an agreement for the supply of electrical energy—

(*a*) if a licensee contravenes an order made under section 6A, it shall be lawful for the [2][State] Government to revoke the licence or sanction granted to such licensee for the supply of electrical energy; or

(*b*) if any undertaking contravenes an order made under section 6A, the [2][State] Government may by order direct the licensee to discontinue or reduce the supply of electrical energy made to such undertaking and the licensee shall thereupon discontinue or reduce the supply to electrical energy to such undertaking.]

Discontinuance of supply of energy to consumer for failure to pay fees for services of Electric Inspector or his assistants.

[1][**6C.** (*1*) If any consumer fails to pay any fees leviable for inspection, examination or test made or any other service rendered by an Electric Inspector or any other officer appointed to assist the Electric Inspector under the provisions the Indian Electricity Act, 1910, or any rules made thereunder, within ten days from IX of the date of the presentation of the bill for such inspection, examination, test of 1910. rendering of service, the [2][State] Government or any other officer authorized by the [2][State] Government in that behalf may, notwithstanding anything contained in the Indian Electricity Act, 1910, or the terms of any licence or sanction granted IX of thereunder or any agreement for the supply of electrical energy, by order in writing 1910. direct the licensee, without prejudice to any other right to recover such fees, to discontinue the supply of electrical energy to such consumer and the licensee shall thereupon discontinue the supply of electrical energy to such consumer.

(*2*) On payment of such fees by the consumer, the [2][State] Government or the authorized officer may by order in writing direct the licensee to reconnect and recommence the supply of electrical energy, and the licensee shall thereupon reconnect and recommence the supply to the consumer as soon as practicable:

Provided that the licensee shall not be bound to reconnect the supply until the consumer pays to the licensee the charges for reconnecting the supply.]

Continuance in force of existing Orders.

7. Every order made by the Central or Provincial Government under sub-rule (*2*) of rule 81 of the Defence of India Rules in respect of any of the matters specified in sections 3, 4, 5 and 6 of this Act and in force immediately before the commencement of this Act shall, so far as it could validly be made by the [2][State] Government under the said sections, continue in force and be deemed to have been made under the said sections, and every person authorised, permitted, directed or required to do anything under or in pursuance of any such order shall, so far as he could validly be so authorised, permitted, directed or required, as the case may be, by the [2][State] Government under any of the said sections of this Act, be deemed to have been so authorised, permitted, directed or required, as the case may be, under the provisions of this Act.

Penalties.

8. Any person who—

(*a*) contravenes—

(*i*) any order made or deemed to have been made under sections 3, 4, 5 [3][, 6, 6A, 6B or 6C]; or

(*ii*) any of the provisions of this Act; or

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[1] Sections 6A, 6B and 6C were inserted by Bom. 41 of 1949, s. 7.

[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[3] These figures, letters and word were substituted for the word and figure "or 6", by Bom. 41 of 1949, s. 8 (*1*).

(*b*) is deemed to have been required or directed under section 3, 4, 5 or 6 to do or refrain from doing anything fails to comply with such requirement or direction,

shall, on conviction, be [1][punished] with imprisonment for a term which may extend to six months or with fine or with both.

[2][**8A.** (*1*) Any officer authorized by the Provincial Government in this behalf, by general or special order, may enter and inspect any premises for the purpose of verifying whether an order made under this Act is complied with or not. Power of entry, etc.

(*2*) Whoever voluntarily obstructs any person authorized under sub-section (*1*) in the exercise of the powers conferred by that sub-section shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.]

[3][**9.** If the person referred to in section 8 is a local authority, its Chief Executive Officer in charge of the undertaking of supplying electrical energy and if such person is a company or other body corporate, the managing director, manager, secretary or other principal officer managing its business shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.] Offence by local authorities and corporations.

10. No Court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by such public servant as may be authorised by the Provincial Government in this behalf. Cognizance of offences.

11. (*1*) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order, direction or requirement made or deemed to have been made under section 3, 4, 5 [4][, 6, 6A, 6B or 6C]. Protection of action taken under Act.

(*2*) No suit or other legal proceeding shall lie against the Crown for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order [5][, direction or requirement] made or deemed to have been made under section 3, 4, 5 [4][, 6; 6A, 6B or 6C].

12. Every order or direction made or issued under this Act shall, as far as may be, be served in the manner prescribed in section 53 of the Indian Electricity Act, 1910. Service of orders or directions.

IX of 1910

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[1] This word was substituted for the word "punishable" by Bom. 41 of 1949, s. 8 (*2*).

[2] This section was inserted, *ibid*, s. 9.

[3] This section was substituted for the original, *ibid*, s. 10.

[4] These figures, letters and word were substituted for the word and figure "or 6", *ibid*, s. 11.

[5] These words were inserted, *ibid*.